

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOMBARDIER INC.,

Plaintiff,

v.

MITSUBISHI AIRCRAFT
CORPORATION, MITSUBISHI
AIRCRAFT CORPORATION AMERICA
INC., et al.,

Defendants.

2:18-cv-1543 JLR

DECLARATION OF YUICHI
MATSUMOTO IN SUPPORT OF
OPPOSITION TO PLAINTIFF'S
MOTION FOR A PRELIMINARY
INJUNCTION

FILED UNDER SEAL

I, YUICHI MATSUMOTO, declare as follows:

1. I work for Defendant Mitsubishi Aircraft Corporation ("MITAC"), which is based in Nagoya, Japan. I recently became the Team Leader for the Secondary Flight Controls Team, Flight Control Systems Group, responsible for design and certification for the high lift system, pilot control system and horizontal trim actuation system for the Mitsubishi Regional Jet ("MRJ"). Prior to becoming the Team Leader for the Secondary Flight Controls Team, I was the Team Leader of the Validation, Verification and Certification Team, Flight Control Systems Group. I am not directly employed by MITAC. I have been seconded from Mitsubishi Heavy Industries, Ltd. ("MHI") to MITAC.

DECLARATION OF YUICHI MATSUMOTO – 1

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1 2. My responsibilities for MITAC include the design and certification efforts related
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3 to the MRJ high lift system, which itself includes the flaps and slats on the wing and the skew
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5 detection system. I am responsible for making the initial proposal to MITAC's internal
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7 certification compliance experts of how MITAC will demonstrate to the Japan Civil Aviation
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9 Bureau ("JCAB") that the high lift system complies with applicable certification regulations, and
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11 for coordinating with MITAC certification compliance experts to ensure certifiability of the
12
13 system.

14 **Background**

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16 3. I joined MITAC in 2008. Prior to joining MITAC, I worked on conceptual aircraft
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18 development for Mitsubishi Heavy Industries, Ltd. ("MHI"). I have been involved in the design
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20 and development of the high lift system for the MRJ from the start of my career at MITAC.
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23 4. From June 2015 to March 2018, I was dispatched to MITAC's Seattle
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25 Engineering Center to support ground and flight testing activities relating to the flight control,
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27 hydraulic and landing gear system. During this time I worked together with AeroTEC personnel
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29 on MRJ certification planning and testing.

30 **The MRJ Flap/Slat Skew Detection System**

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32 5. The flap/slat skew detection system on the MRJ is a sub-system of the plane's
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34 flap/slat system. The flap/slat skew detection system monitors how the flaps/slats on the wings
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36 extend or retract. More specifically the flap/slat skew detection system monitors the "skew" of
37
38 the flap/slat to ensure that the skew is less than a predetermined amount. A flap/slat that becomes
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40 too skewed is like a drawer that becomes stuck and an overly skewed flap/slat can cause safety
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42 issues. If the flap/slat skew detection system detects that a flap/slat on the MRJ has skewed more
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44 than is permissible, the system will stop the flap/slat from further extending or retracting (thus
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46 stopping the flap/slat from becoming skewed to an unsafe degree). The flap/slat skew detection
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48 system is just one part of the flap/slat system, which in turn is composed of the high lift system,
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50 which itself is one part of flight control system of the MRJ.
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DECLARATION OF YUICHI MATSUMOTO – 2

6. The design concept and design of the MRJ flap/slat skew detection system has not changed since critical design review of the flight control system, which occurred in 2010. The design for the flap/slat skew detection system is based on a combination of established component designs provided by the high lift system supplier, with minor modifications for the MRJ, and installation designs developed by myself and other MITAC engineers.

Information Relied on to Develop Certification Plan for Flight Control System

7. The certification plan for the flight control system of the MRJ (the certification plan is for the entire flight control system, not the flap/slat skew detection system specifically) was originally developed in 2013 by my colleagues in the Flight Control Systems Group. The certification plan itself is composed of: (1) applicable regulations, (2) means of compliance, and (3) documents that will be provided to authorities to prove compliance.

8. In 2017, when I worked with the Flight Control Team in MITAC's Seattle Engineering Center, I supported the review of key portions of the certification plan for the flight control system – in particular the proposed means of compliance for the system and the documents to be submitted to JCAB to prove compliance. In performing this work, I relied upon recommendations from the AeroTEC team. However, while the AeroTEC team provided support to review these portions of the certification plan, AeroTEC did not have the authority to actually make modifications to the certification plan. Rather, they were only authorized to make proposals, which would then be reviewed by MITAC's certification experts in Nagoya who have final responsibility for deciding the contents of certification plans. In addition, the AeroTEC team is not authorized to act as a Designated Engineering Representative (DER) for the MRJ or to interact directly with certifying authorities for the MRJ.

9. The updated certification plan for the flight control system for the MRJ was most recently released in June 2018 and provided to the JCAB. The 2018 revision of the certification plan is currently being used for defining certification activities like flight, ground, and lab testing and other demonstrations of compliance.

DECLARATION OF YUICHI MATSUMOTO – 3

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10. Neither I nor to my knowledge anyone on the MITAC team or the AeroTEC team relied on Bombardier information when developing or updating the certification plan for the MRJ flight control system. I did not rely on any Bombardier information, and to my knowledge, no person on the MITAC team or AeroTEC team relied on any Bombardier information in any testing we have developed to demonstrate to the JCAB that the MRJ flight control system complies with applicable regulations and is safe.

11. I have not reviewed any Bombardier document related to certifying flap/slat skew detection systems. Thus, to my knowledge, I have never seen any of the documents that I understand Bombardier is claiming, in the case it filed against MITAC, contain trade secrets related to certifying flap/slat skew detection systems.

12. I have never seen or been provided any Bombardier document since joining MITAC.

13. I have personal knowledge of all the facts stated in this Declaration and, if called to, could and would testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25 day of April 2019 at Nagoya, Japan.

/s/ Y. Matsumoto
YUICHI MATSUMOTO

DECLARATION OF YUICHI MATSUMOTO – 4

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CERTIFICATE OF SERVICE

I certify under penalty of perjury that on May 13, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses indicated on the Court's Electronic Mail Notice List.

DATED this 13th day of May, 2019.

s/Jerry A. Riedinger
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